

Board of Registration of Real Estate Brokers and Salespersons
1000 Washington Street, Boston, MA 02118
Minutes of November 14, 2016

Members Present:

Kevin Sears, Chair, Industry Member
Stanley Zoll, Public Member
Peter Ruffini, Industry Member
Kimberly Allard-Moccia, Industry Member

Members Not Present:

Neil St. Clair, Public Member

Administrative Staff Present:

Ann-Margaret Barry, Executive Director
Charles Kilb, Board Counsel
John High, Associate Executive Director

Public Present:

Will Hency - Freedom Trail Realty School

Kevin Sears, Chair, opened the meeting at 10:30am.

Evacuation Procedures: Ann Barry reviewed the Evacuation Plan.

Vote on Minutes of September 12, 2016: A motion to approve the minutes was made by Peter Ruffini, seconded by Stanley Zoll and unanimously adopted by the Board.

Adjudicatory Matters (FYI only – no vote required):

- a. Michael Behaylo RE-16-114
- b. Nicole Blair RE-15-442
- c. Irene Lombardi 20150212RE264-IT-ENF
- d. Jay Pelletz 2016-000060-IT-ENF
- e. Richard Schwartz 20150803RE041-IT-ENF
- f. Timothy Shanahan RE-15-318
- g. Tyler Stolba RE-16-090
- h. Carol Sullivan 2015-001449-IT-ENF
- i. Hong Yang 2015-001500-IT-ENF

Office of Investigations Update: None

Executive Director, Ann Barry's Report to the Board:

- a. **Agency Disclosure Form Working Group:** The group will meet on November 18, 2016. The Executive Director noted that the agenda was posted on the Board's website.

She noted that there was some confusion by the public as to what this group was going to do. She summarized for the record that the group is working towards making the agency disclosure form more user friendly while still adhering to the applicable laws and regulations. The group is only making suggestions for Board approval regarding the form, it is not changing the substantive requirements of agency disclosure.

- b. **Education Subcommittee:** The Executive Director reported that the Education Subcommittee working group will next meet on January 13, 2017.

Board Counsel, Charles Kilb Report to the Board:

Regulation Review for Executive Order 562: The Board received notification that the regulatory amendments to 254 CMR 4.00 and 7.00 have been approved and are now posted on the Board's website.

Review Policy: Determination of Good Moral Character Compliance for Initial Broker or Salesperson Licensure by Examination, Reciprocity, Waiver of Educational Requirement or as an Attorney Broker – Counsel presented an amended version of the above policy to reflect different standards for reviewing CORI information. A motion to approve the amendment to the Board's policy was made by Peter Ruffini, seconded by Stanley Zoll and unanimously adopted by the Board.

Next Meeting Date: January 24, 2017

Executive Session – Closed Session under MGL ch. 30A, Section 21 - Good Moral Character - A motion to enter into Executive Session – Closed Session under MGL ch. 30A, Section 21 - Good Moral Character was made by Peter Ruffini, seconded by Kimberly Allard-Moccia and unanimously adopted by the Board. The purpose of the Executive Session was to discuss applicant's character rather than competence and to discuss pending litigation where an open meeting may have a detrimental effect on the litigating position of the Board. The Chair anticipated that the Executive Session would require 30 minutes, however, the Board did not intend to return to open session other than to go to other types of closed sessions and to adjourn.

Investigative Conference – Closed Session under MGL ch. 112, section 65C - A motion to enter into Investigative Conference – Closed Session under MGL ch. 112, section 65C was made by Peter Ruffini, seconded by Stanley Zoll and unanimously adopted by the Board.

Investigative Conference – Prosecutor Mary Pixley – Closed Session under MGL ch. 112, section 65C: RE-13-568, RE-14-194 and RE-14-202 (NB): The Board reviewed settlement offers in the above captioned matters and provided the Prosecutor with guidance.

Investigative Conference – Prosecutor Jenna Hentoff – Closed Session under MGL ch. 112, section 65C: 2016-000406-IT-ENF (TM); RE-15-230 (MM) and RE-16-075 (PS): The Board reviewed settlement offers in the above captioned matters and provided the Prosecutor with guidance.

Investigative Conference – Prosecutor Stephanie Bennett / Gerard Dolan – Closed Session under MGL ch. 112, section 65C: RE-16-128 (SF); RE-15-201 (ES) and RE-16-109 (LS): The Board provided the Prosecutor with guidance.

Investigative Conference – Prosecutor Gerard Dolan – Closed Session under MGL ch. 112, section 65C: 20151005RE126-IT-ENF (GG); 2016-000056-IT-ENF (MC); 20150902RE080-IT-ENF and 2015005RE124-IT-ENF (RI); 2016-000258-IT-ENF (WQ) and 2016-000161-IT-ENF (AM): The Board provided the Prosecutor with guidance.

Investigative Conference – Closed Session under MGL ch. 112, Section 65C - RE-13-100 and RE-13-320 (FB): Request to enter into a settlement reconsidering the sanctions in the above captioned matter – The Board provided guidance to the Board's attorney on how the Board would like such reconsiderations handled.

A motion to enter Open Session was made by Peter Ruffini, seconded by Kimberly Allard-Moccia and unanimously adopted by the Board.

List of Documents:

1. Agenda dated November 14, 2016
2. Minutes dated September 12, 2016
3. Policy: Determination of Good Moral Character Compliance for Initial Broker or Salesperson Licensure by Examination, Reciprocity, Waiver of Educational Requirement or as an Attorney Broker

Chair Kevin Sears made a motion to adjourn the meeting at 3:45pm, seconded by Peter Ruffini and unanimously adopted by the Board.



Kevin Sears, Chair, Real Estate Brokers and Salespersons Board

